

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 3544

NOBODI



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION

2018 DEC -3 AM 10: 28

SENSITIVE

December 3, 2018

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP of 11/11/18*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Kristin D. Roser/Ben Holly *KDR BH*
Reports Analysis Division
Compliance Branch

SUBJECT: Withdrawal and Resubmission of Reason To Believe Recommendation – 2018
October Quarterly Report (Non-Election Sensitive) for the Administrative
Fine Program

We are withdrawing the document circulated to the Commission on November 29, 2018 in order to remove two committees that filed a report which would exclude them from the administrative fine program for the 2018 October Quarterly Report. The report was received by the Commission after the RTB Recommendation was circulated, but before the vote due date.

Attached is a list of political committees and their treasurers who failed to file the 2018 October Quarterly Report (Non-Election Sensitive) in accordance with 52 U.S.C. § 30104(a). The October Quarterly Report was due on October 15, 2018.

The committees listed on the attached RTB Circulation Report either failed to file the report, filed the report no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for

Recommendation

1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

12/3/2018 9:19 AM

Federal Election Commission
Reason to Believe Circulation Report
2018 OCTOBER QUARTERLY Not Election Sensitive 10/15/2018 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3526	C00641035	JEFF BEALS FOR CONGRESS	JEFFREY BEALS	ALLEN BEALS	\$715,694	0		Not Filed	\$119,282 (est)	\$.6,380

12/3/2016 9:19 AM

AF#	Committee in	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
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3544	C00614305	VOLUNTEERS FOR NEHLEN	PAUL NEHLEN	PAUL NEHLEN	\$405,238	0		Not Filed	\$57,891 (est)	\$3,828
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10002141007

In the Matter of)
)
Withdrawal and Resubmission of Reason)
To Believe Recommendation - 2018)
October Quarterly Report (Non-Election)
Sensitive) for the Administrative Fine)
Program:)

COOLIDGE

100

) AF# 3526
)

) AF# 3544
)

CERTIFICATION

I, Dayna C. Brown, Secretary and Clerk of the Federal Election Commission,
do hereby certify that on December 04, 2018 the Commission took the following
actions on the Withdrawal and Resubmission of Reason To Believe Recommendation
- 2018 October Quarterly Report (Non-Election Sensitive) for the Administrative Fine
Program as recommended in the Reports Analysis Division's Memorandum dated
December 03, 2018, on the following committees:

/

TOP SECRET

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AF#3526 Decided by a vote of 4-0 to: (1) find reason to believe that JEFF BEALS FOR CONGRESS, and BEALS, ALLEN in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

11-03-2018 11:00:00 AM

TIGON-AMCOR

1

AF#3544 Decided by a vote of 4-0 to: (1) find reason to believe that VOLUNTEERS FOR NEHLEN, and NEHLEN, PAUL in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Federal Election Commission
Certification for Administrative Fines
December 04, 2018

Page 9

Attest:

December 6, 2018
Date

Dayna C. Brown
Dayna C. Brown
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 6, 2018

Paul Nehlen, in official capacity as Treasurer
Volunteers for Nehlen
P.O. Box 796
Williams Bay, WI 53191

C00614305
AF#: 3544

Dear Mr. Nehlen:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period July 26, 2018 through September 30, 2018, shall be filed no later than October 15, 2018. 52 U.S.C. § 30104(a). Because records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date, the report is considered not filed for the purpose of calculating the civil money penalty. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109(a)(4). On December 4, 2018, the FEC found that there is reason to believe ("RTB") that Volunteers for Nehlen and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before October 15, 2018. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$3,828. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$3,828 is due within forty (40) days of the finding, or by January 13, 2019, and is based on these factors:

Sensitivity of Report: Not Election Sensitive
Level of Activity: \$57,891
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

- 1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 1050 First Street, NE, Washington, DC 20002. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or January 13, 2019. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Volunteers for Nehlen and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate

action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including making a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Aimee Wechsler in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,

Carole C. Hunter

Caroline C. Hunter
Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$3,828 for the 2018 October Quarterly Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Volunteers for Nehlen

FEC ID#: C00614305

AF#: 3544

PAYMENT DUE DATE: January 13, 2019

PAYMENT AMOUNT DUE: \$3,828



December 18, 2018

FEC Office of Administrative Review
1050 First Street NE
Washington, DC 20002

Re: AF #3544
Committee #C00614305

This letter is to challenge the RTB Finding regarding the Civil Money Penalty in the amount of \$3,828. Our committee Volunteers for Nehlen (VFN) received a letter from FEC on December 17, 2018 indicating that the committee filing for October 2018 Quarter was not received. Upon receiving your letter, we checked our FEC File report and noted the file was closed on October 15, 2018 and we immediately placed a call to our Campaign Finance Analyst Shannon Ringgold. In speaking with Shannon she indicated that we had closed the report but had not submitted the report, when this oversight was realized we immediately submitted the report electronically to FEC.

Respectfully,

A handwritten signature in black ink that reads 'Nehlen'.

Paul Nehlen
Volunteers for Nehlen

Volunteers for Nehlen • PO Box 796 • Williams Bay, WI 53191

Paid for by Volunteers for Nehlen



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 13, 2019

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 3544 – Volunteers for Nehlen and Paul Nehlen, in his official capacity as Treasurer (C00614305)

Summary of Recommendation

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$400 civil money penalty.

Reason-to-Believe Background

The 2018 October Quarterly Report was due on October 15, 2018. The respondents filed the report on December 18, 2018, 64 days late. The report is not election sensitive and was not filed within 30 days of the due date; therefore, the report is considered not filed. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On December 4, 2018, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 October Quarterly Report and made a preliminary determination that the civil money penalty was \$3,828 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on December 6, 2018 to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee shall file a report for the quarter ending September 30 no later than October 15. 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.5(a)(1)(i). Reports electronically filed must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on the filing deadline to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Summary of Respondents' Challenge

On January 28, 2019, the Commission received the written response ("challenge") from the Treasurer explaining the Committee believed it timely filed the 2018 October Quarterly Report. After receiving the RTB notification in this matter on December 17, 2018, the Committee checked its FECFile records and noted the report was closed on October 15, 2018. The Committee immediately called its RAD Analyst, who explained that the report was closed but not uploaded to the FEC. The Committee acknowledged the oversight and immediately filed the report.

Analysis

The respondents contend they were not aware the Committee failed to file 2018 October Quarterly Report until receiving the RTB notification in this matter on December 17, 2018. However, the Commission notified the Committee of the missing report on two occasions prior to the RTB notification. On October 16, 2018, the day following the filing deadline, the Commission's Electronic Filing Office sent a late notification email to team@electnehlen.com, paul@paulnehlen.com, and gabriela@paulnehlen.com because the report had not yet been filed. On October 31, 2018, RAD sent the non-filer notification to team@electnehlen.com and paul@paulnehlen.com, the email addresses listed on the Committee's Statement of Organization. Based on these notifications, the Committee should have been aware of the missing report well before December 17, 2018.

The Committee acknowledges the oversight in failing to upload the 2018 October Quarterly Report.¹ While the Reviewing Officer recognizes the Committee may have intended to timely file the report on October 15, 2018, failure to use filing software properly is specifically included at 11 C.F.R. § 111.35(d) as an example of a circumstance that will not be considered reasonably unforeseen and beyond the respondents' control. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a).

The Reviewing Officer also recommends that the Commission assess a \$400 civil money penalty (reduced from the RTB civil money penalty of \$3,828). At the time of the RTB finding, the Commission used an estimated level of activity (\$57,891) to calculate the penalty because the 2018 October Quarterly Report had not yet been filed. 11 C.F.R. § 111.43(d)(2)(i). The Committee filed the report on December 18, 2018, 64 days late. The report discloses \$2,421.75 in total receipts and \$5,855.73 in total disbursements. Therefore, the actual level of activity of the 2018 October Quarterly Report is \$8,277.48. Using the schedule of penalties at 11 C.F.R. § 111.43(a) for the level of activity bracket of \$5,000 - \$9,999.99, the civil money penalty is \$400 x [1 + (.25 x 0 previous violations)] or \$400.

¹ The process of closing and uploading reports in FECFile is outlined on page 28 of the *Getting Started with FECFile User Manual*, which is available on the FEC website at: https://www.fec.gov/resources/cms-content/documents/GettingStarted_FECFileManual_candidates_61517.pdf.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 3544 involving Volunteers for Nehlen and Paul Nehlen, in his official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3544 that Volunteers for Nehlen and Paul Nehlen, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$400 civil money penalty (reduced from the RTB civil money penalty of \$3,828); and
3. Send the appropriate letter.

Attachments

- Attachment 1 –
- Attachment 2 –
- Attachment 3 – Declaration from RAD
- Attachment 4 – Declaration from OAR

DECLARATION OF KRISTIN D. ROSER

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations, including due dates of reports and filing requirements.
3. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Volunteers for Nehlen:
 - A) Non-Filer Letter, dated October 31, 2018, referencing the 2018 October Quarterly Report (sent via electronic mail to: paul@paulnehlen.com and team@electnehlen.com);
 - B) Reason-to-Believe Letter, dated December 6, 2018, referencing the 2018 October Quarterly Report (sent via overnight mail to the address of record).
4. I hereby certify that I have searched the Commission's public records and find that Volunteers for Nehlen filed the 2018 October Quarterly Report with the Commission on December 18, 2018.
5. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 12th day of March, 2019.

Kristin D. Roser
Kristin D. Roser
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7 \

October 31, 2018

NEHLEN, PAUL, TREASURER
VOLUNTEERS FOR NEHLEN
PO BOX 796
WILLIAMS BAY, WI 53191

IDENTIFICATION NUMBER: C00614305

REFERENCE: OCTOBER QUARTERLY REPORT (07/26/2018 - 09/30/2018)

Dear Treasurer:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced report of receipts and disbursements or failed to file a report covering the entire reporting period as required by the Federal Election Campaign Act, as amended. 52 U.S.C. §30104(a)

It is important that you file this report immediately. The report must be filed with the Federal Election Commission, 1050 First Street, NE, Washington, DC 20002. Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report must also be filed with the Secretary of State or equivalent State officer unless the State is exempt from the federal requirement to receive and maintain paper copies. You can verify the Commission's receipt of any documents submitted by your committee on the FEC website at www.fec.gov.

The failure to timely file a complete report may result in civil money penalties, an audit or legal enforcement action. The civil money penalty calculation for late reports does not include a grace period and begins on the day following the due date for the report. Due to heightened security screening measures, delivery of mail by the US Postal Service may be delayed. The Commission recommends that you submit your report via overnight delivery or courier service.

If you have any questions regarding this matter, please contact Christopher Ritchie in the Reports Analysis Division on our toll-free number (800)424-9530. The analyst's direct number is (202)694-1146.

DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) A principal campaign committee shall file a report for the quarter ending September 30 no later than October 15. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time October 15, 2018 for the 2018 October Quarterly Report to be timely filed.
- 3) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
 - a) Cover, Summary, and Detailed Summary Pages of the 2018 October Quarterly Report filed by Volunteers for Nehlen and Paul Nehlen, in his official capacity as Treasurer. The report includes the coverage period of July 26, 2018 through September 30, 2018 and was electronically filed on December 18, 2018.
- 4) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 13th day of March, 2019.

Rhiannon Magruder
Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼ Example: If typing, type over the lines. 12FE4M5

Volunteers for Nehlen

ADDRESS (number and street)

PO Box 796

Check if different
than previously
reported. (ACC)

Williams Bay

WI

53191

CITY ▲

STATE ▲

ZIP CODE ▲

2. FEC IDENTIFICATION NUMBER ▼

C C00614305

3. IS THIS
REPORTx NEW
(N) ORAMENDED
(A)

STATE ▼ DISTRICT

WI

01

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

x October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on M M / D D / Y Y Y Y

in the
State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on M M / D D / Y Y Y Y

in the
State of

5. Covering Period

M M / D D / Y Y Y Y
07 26 2018

through

M M / D D / Y Y Y Y
09 30 2018

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Nehlen, Paul, . . III

Type or Print Name of Treasurer

Signature of Treasurer

Nehlen, Paul, . . III

[Electronically Filed]

Date

M M / D D / Y Y Y Y
10 15 2018

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 52 U.S.C. §30109.

Office
Use
Only**FEC FORM 3**
(Revised 05/2016)

SUMMARY PAGE

of Receipts and Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 2 / 16

Write or Type Committee Name
Volunteers for Nehlen

Report Covering the Period: From: ^M07 / ^D26 / ^Y2018 To: ^M09 / ^D30 / ^Y2018

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))	2421.75	215191.44
(b) Total Contribution Refunds (from Line 20(d))	0.00	2000.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a))	2421.75	213191.44
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	5855.73	226996.63
(b) Total Offsets to Operating Expenditures (from Line 14)	0.00	4602.64
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a))	5855.73	222393.99
8. Cash on Hand at Close of Reporting Period (from Line 27)	0.00	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	62698.15	

For further information contact:

Federal Election Commission
999 E Street, NW
Washington, DC 20463

Toll Free 800-424-9530
Local 202-694-1100

DETAILED SUMMARY PAGE of Receipts

FEC Form 3 (Revised 05/2016)

PAGE 3 / 16

Write or Type Committee Name

Volunteers for Nehlen

Report Covering the Period: From: ^{M M / D D / Y Y Y Y} 07 26 2018 To: ^{M M / D D / Y Y Y Y} 09 30 2018

I. RECEIPTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A)	1070.18	89333.59
(ii) Unitemized	1050.96	115267.11
(iii) TOTAL of contributions from individuals	2121.14	204600.70
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	70.13
(d) The Candidate	300.61	10520.61
(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c), and (d)) ..	2421.75	215191.44
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	0.00	0.00
13. LOANS:		
(a) Made or Guaranteed by the Candidate	0.00	32.00
(b) All Other Loans	0.00	0.00
(c) TOTAL LOANS (add Lines 13(a) and (b))	0.00	32.00
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	0.00	4602.64
15. OTHER RECEIPTS (Dividends, Interest, etc.)	0.00	0.00
16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4)	2421.75	219826.08

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 4 / 16

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	5855.73	226996.63
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	0.00
(b) Of All Other Loans	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	0.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees	0.00	2000.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	0.00	2000.00
21. OTHER DISBURSEMENTS	0.00	200.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ►	5855.73	229196.63

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	3433.98
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	2421.75
25. SUBTOTAL (add Line 23 and Line 24).....	5855.73
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	5855.73
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	0.00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 15, 2019

Paul Nehlen, in official capacity as Treasurer
Volunteers for Nehlen
P.O. Box 796
Williams Bay, WI 53191

C00614305
AF#: 3544

Dear Mr. Nehlen:

On December 4, 2018, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Volunteers for Nehlen and you, in your official capacity as Treasurer ("respondents"), violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 October Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$3,828 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination and assess a reduced civil money penalty. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 1050 First Street, NE, Washington, DC 20463 or via facsimile, (202-208-3333). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1158 if you have any questions.

Sincerely,

Rhiannon Magruder

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review



RECEIVED
MAIL CENTER
2019 MAR 28 PM 2: 22

March 25, 2019

FEC Office of Administrative Review
1050 First Street NE
Washington, DC 20002

Re: AF #3544
Committee #C00614305

This letter is to challenge the RTB Finding regarding the Civil Money Penalty in the amount of \$400.00. As stated in our letter dated December 18, 2018 the committee Volunteers for Nehlen did not intentionally mean to not file the Q3 report due October 15, 2018. Unfortunately the emails listed as contact emails team@electnehlen.com, paul@paulnehlen.com and gabriela@paulnehlen.com were not being monitored after the primary election in August 2018. However, as indicated in our previous letter dated December 18, 2018 as soon as we received a letter from the FEC Office of Administrative Review we immediately corrected this oversight.

Respectfully,

Paul Nehlen
Volunteers for Nehlen



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION

2019 APR 16 PM 2:20

April 16, 2019

MEMORANDUM

SENSITIVE

To: The Commission

Through: Alec Palmer *AP by MATH*
Staff Director

From: Patricia C. Orrock *PCO*
Chief Compliance Officer

Rhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 3544 – Volunteers for Nehlen and Paul Nehlen, in his official capacity as Treasurer (C00614305)

On December 4, 2018, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 October Quarterly Report and made a preliminary determination that the civil money penalty was \$3,828 based on the schedule of penalties at 11 C.F.R. § 111.43.

On January 28, 2019, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated March 13, 2019 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that Volunteers for Nehlen and Paul Nehlen, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$400 civil money penalty (reduced from the RTB civil money penalty of \$3,828).

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). On March 28, 2019, the Commission received their response. The Treasurer reiterates that the late filing was unintentional. He also explains that the email notifications referenced in the ROR were sent to email addresses which were not monitored after the primary election held in August 2018.

As stated in the ROR, the Reviewing Officer recognizes the Committee may have intended to timely file the report on October 15, 2018. However, failure to use filing software

properly is specifically included at 11 C.F.R. § 111.35(d) as an example of a circumstance that will not be considered reasonably unforeseen and beyond the respondents' control. In addition, a committee is required to update its contact information by filing an amended Statement of Organization. 11 C.F.R. § 102.2(a)(2).

The Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$400 civil money penalty (reduced from the RTB civil money penalty of \$3,828).

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 3544 involving Volunteers for Nehlen and Paul Nehlen, in his official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3544 that Volunteers for Nehlen and Paul Nehlen, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$400 civil money penalty (reduced from the RTB civil money penalty of \$3,828); and
3. Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 3544
Final Determination Recommendation:)
Volunteers for Nehlen and Paul Nehlen,)
in his official capacity as Treasurer)
(C00614305))

CERTIFICATION

I, Dayna C. Brown, Secretary and Clerk of the Federal Election
Commission, do hereby certify that on May 01, 2019, the Commission decided
by a vote of 4-0 to take the following actions in AF 3544:

1. Adopt the Reviewing Officer recommendation for AF# 3544
involving Volunteers for Nehlen and Paul Nehlen, in his official
capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 3544 that Volunteers for Nehlen
and Paul Nehlen, in his official capacity as Treasurer, violated
52 U.S.C. § 30104(a) and assess a \$400 civil money penalty (reduced
from the RTB civil money penalty of \$3,828).
3. Send the appropriate letter.

Commissioners Hunter, Petersen, Walther, and Weintraub voted
affirmatively for the decision.

Attest:

May 2, 2019
Date

Dayna C. Brown
Dayna C. Brown
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 7, 2019

Paul Nehlen, in official capacity as Treasurer
Volunteers for Nehlen
P.O. Box 796
Williams Bay, WI 53191

C00614305
AF#: 3544

Dear Mr. Nehlen:

On December 4, 2018, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Volunteers for Nehlen and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2018 October Quarterly Report. By letter dated December 6, 2018, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$3,828 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On January 28, 2019, the Office of Administrative Review received your written response challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission reduce the RTB civil money penalty because it was calculated using an estimated level of activity, make a final determination that Volunteers for Nehlen and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and based on the actual level of activity disclosed on the 2018 October Quarterly Report filed December 18, 2018 (\$8,277), assess a civil money penalty in the amount of \$400 in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on March 15, 2019.

On May 1, 2019, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Volunteers for Nehlen and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and based on the level of activity disclosed on the 2018 October Quarterly Report (\$8,277), assessed a civil money penalty in the amount of \$400 (reduced from the RTB civil money penalty of \$3,828). It is based on the same factors used to calculate the civil money penalty at RTB except that the actual rather than the estimated level of activity was used. A copy of the Final Determination Recommendation is attached.

At this juncture, the following courses of action are available to you:

1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the U.S. District Court for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 52 U.S.C. § 30109(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 52 U.S.C. § 30109. 11 CFR § 111.38.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 30% of the civil money penalty amount for its collection services. If the age of the debt is greater than or equal to two years old, Treasury will charge a fee of 32% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, follow the payment instructions on page 4 of this letter. You should make payment within thirty (30) days of receipt of this letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assessed upon making a final determination.

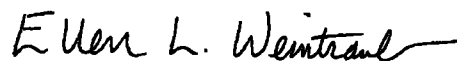
5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assessed upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 C.F.R. §§ 111.42(b) and 111.20(c), the file will be placed on the public record within 30 days from the date of this notification.

If you have any questions regarding the payment of the civil money penalty, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Ellen L. Weintraub
Chair

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$400 for the 2018 October Quarterly Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form. This penalty may also be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Volunteers for Nehlen

FEC ID#: C00614305

AF#: 3544

PAYMENT AMOUNT DUE: \$400

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 3544

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